

A hearing or review are the appeals processes available to you if the Department of Health and Human Services takes an action with which you disagree.



The New Hampshire Department of Health and Human Services wants you to receive benefits and services to which you are legally entitled. Department staff are trained to determine your eligibility for benefits and the types and amounts you are entitled to receive. However, mistakes can occur.

If the Department takes an action which directly affects you and with which you disagree, you have a right to appeal that action. The Department's administrative appeals process is the way for you to contest such actions.

This informational pamphlet, prepared by the Administrative Appeals Unit, explains the appeals process.

The information contained in this pamphlet is of a general nature to help you become familiar with the administrative appeals process. This pamphlet does not contain the specific policies and procedures which govern appeals. More detailed information is available from your local District Office or directly from the Administrative Appeals Unit, 105 Pleasant St., Concord, N.H., 03301, 1-800-852-3345 ext. 4292.

WHAT PROCEDURES ARE AVAILABLE FOR APPEALING ACTIONS BY THE DEPARTMENT?

You may request either a hearing or review to appeal an action of the Department with which you disagree. If you request a hearing, your appeal will be heard by an impartial presiding officer who will take testimony under oath and consider relevant documents related to your case. A review is a more informal fact-finding process and involves the presiding officer conducting interviews with individuals who have information pertinent to your appeal and reviewing relevant documents.

HOW CAN YOU PREPARE FOR A HEARING?

You may represent yourself at the hearing or be represented by others. You may have anyone you wish serve as your representative, including a friend, relative, or attorney. The issues and policies may be complicated, and legal assistance could be of help to you. The Department of Health and Human Services cannot pay your legal expenses. If you want legal advice, it may be advisable to contact either New Hampshire Legal Assistance at 1-800-634-8989, Disabilities Rights Center at 1-800-834-1721, or the Franklin Pierce Law Center in Concord at 603-228-9218. **Do not wait until the last minute to make arrangements for representation. Preparation for the hearing is your responsibility.**

DO YOU HAVE ANY RIGHTS?

Yes. These rights are generally called your rights to due process. They include, but are not limited to:

- Your choice of a representative;
- Your right to examine records before and during the hearing;
- Your right to have your case heard by an impartial person; and
- Your right to bring witnesses.
- Your right to question the state's witnesses

Your local district office or the Administrative Appeals Unit can provide you with more detailed information.

HOW DO YOU START AN APPEAL?

You start an appeal by requesting a hearing verbally or in writing to a representative of the Department of Health and Human Services. The main point is to make a clear expression of your desire for an appeal as soon as possible after you determine that you disagree with a Department action which affects you.

There are limited time frames during which you can appeal certain actions taken by the Department. You must carefully read your Notice of Decision, and the Notice of Rights and Responsibilities, to be sure how long you have to request a hearing or review.

Under certain circumstances, if you appeal an action within ten days, you may be able to continue to receive benefits at the before-notice level until a decision on your appeal is issued. You should be aware that, if the appeal decision is against you, the continued benefits will have to be repaid.

CAN YOUR COMPLAINT BE SETTLED WITHOUT GOING THROUGH A HEARING OR REVIEW?

Yes. The Department of Health and Human Services encourages settlement of issues under appeal prior to a hearing or review actually being held. Either you or the Department may request a meeting for this purpose at any time. Such meetings are desirable, but in no way limit your right to a hearing or review as long as one has been requested in a timely manner.

WHERE WILL YOUR HEARING BE HELD?

You will be notified in advance by the Administrative Appeals Unit of the time and place your hearing will be held. Generally, hearings are held at the local District Offices. Most medically related hearings are held at the Appeals Office located in Concord.

WHO WILL DECIDE YOUR CASE?

The presiding officer is employed by the Department of Health and Human Services for this purpose. The presiding officer will listen to all sides of the issue and consider all pertinent facts prior to issuing a decision.

HOW WILL THE DECISION BE MADE?

After the hearing or review is conducted, the presiding officer will issue a written decision. The decision will be based on the facts of your case and applicable statutes, rules and policies.

DISCRIMINATION

The Department of Health and Human Services decides each case based on the facts and the law. Discrimination against anyone because of age, sex, race, color, creed, handicap, disability, national origin, religious or political belief is against the law. If you feel you have been discriminated against, contact the Civil Rights Office, 129 Pleasant Street, Concord, N.H., 03301; telephone (603) 271-4603 or 1-800-852-3345 ext. 4603 (in N.H. only). TDD Access Relay N.H. 1-800-735-2964. There can be no retaliation against you for having made this contact.

IF YOU HAVE OTHER QUESTIONS...

If you have questions concerning the appeals process, write or call: Administrative Appeals Unit, 105 Pleasant St., Concord, N.H., 03301, (603) 271-4292 or 1-800-852-3345 ext. 4292.

DISTRICT OFFICES

BERLIN

219 Main Street
Berlin NH 03570
603-752-7800

CLAREMONT

17 Water Street PO Box 870
Claremont, NH 03743
603-542-9544

CONCORD

40 Terrill Park Drive
Concord, NH 03301
603-271-6202

CONWAY

73 Hobbs Street
Conway, NH 03818
603-447-3841

KEENE

809 Court Street
Keene NH 03431
603-357-3510

LACONIA

65 Beacon Street West
Laconia, NH 03247
603-524-4485

MANCHESTER

361 Lincoln Street
Manchester NH 03103
603-668-2330

NASHUA

19 Chestnut Street
PO Box 1025
Nashua, NH 03060
603-883-7726

PORTSMOUTH

30 Maplewood Avenue
Portsmouth, NH 03801
603-433-8326

ROCHESTER

Suite 22
150 Wakefield St.
Rochester, NH 03867
603-332-9120

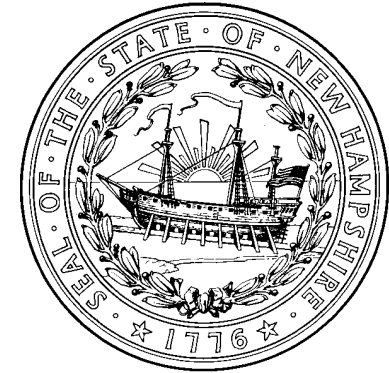
SALEM

154 Main Street
Salem, NH 03079
603-893-9763

TDD Access Relay N.H. 1-800-735-2964

Administrative Appeals Unit
105 Pleasant St., Concord, N.H., 03301
(603) 271-4292
1-800-852-3345 Ext. 4292

NEW HAMPSHIRE ADMINISTRATIVE APPEALS UNIT



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